

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Virgil Wilkinson, Charles Wilkinson,)
Alva Rose Hall, Wilbur D. Wilkinson,)
for themselves and as heirs of Ernest)
Wilkinson, Mollie Wilkinson, Harry)
Wilkinson, and Virginia Wilkinson,)

Plaintiffs,

$$V.$$

United States of America,

Defendant.

AMENDED SCHEDULING/DISCOVERY ORDER

Case No. 1:03-cv-002

Pursuant to Rule 26(f), the court conducted a scheduling conference on Tuesday, June 13, 2006. After conferring, the parties have agreed upon the following pretrial deadlines:

1. The parties shall have until February 23, 2007, to complete fact discovery and to file discovery motions.
2. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows:

Plaintiffs shall have until November 1, 2006, to provide the names of expert witnesses and complete reports.

The Defendants shall have until December 15, 2006, to provide the names of its experts and complete reports.

Plaintiffs shall have until January 15, 2007, to provide the names of any rebuttal experts and complete reports.

3. The parties shall have until February 23, 2007, to complete discovery depositions of expert witnesses.
4. The parties shall have until September 1, 2006, to move to join additional parties.
5. The parties shall have until October 1, 2006, to move to amend pleadings to add claims or defenses.

6. The parties shall have until October 1, 2006, to file other nondispositive motions (e.g., consolidation, bifurcation).
7. The parties shall have until February 23, 2007, to file other dispositive motions (summary judgment as to all or part of the case).
8. Each party shall serve no more than 25 interrogatories, including subparts. No broad contention interrogatories (i.e., "List all facts supporting your claim that . . .") shall be used.
9. Each side shall take no more than 10 discovery depositions. (Show good cause for more than the 10 depositions allowed by Rule 30.)
10. Depositions taken for presentation at trial shall be completed 30 days before trial.
11. This case is presently scheduled as a jury trial, but both parties need to look at the issue of whether a jury trial is available for an FTCA action.
12. The estimated length of trial is 5 days.

IT IS SO ORDERED.

Dated this 21th day of June, 2006.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge